

## REMARKS

Reconsideration and allowance of this application are respectfully requested, in view of the above amendments and the following comments.

Claims 24, 26-30, 33-56, 60 and 61 are pending in the application, with Claims 24 and 39 being independent. Claims 26-29, 34 and 39-56 have been withdrawn from consideration. By this Amendment, Claims 25, 31, 32 and 57-59 are cancelled without prejudice to or disclaimer of the subject matter contained therein, Claims 24, 30, 33, 35-38 and 60 are amended, and new Claim 61 is added. Support for Claim 61 may be found at least in paragraph [0037].

### The Section 112 Rejections

Claim 31 has been rejected under 35 U.S.C. §112, first paragraph, and Claim 57 has been rejected under §112, second paragraph. While Applicants do not necessarily agree with the Examiner's contentions, to expedite prosecution, Applicants have cancelled Claims 31 and 57.

### The Section 102 Rejections

Claims 24, 25, 30-33, 57-59 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,166,178.

Claims 24, 25 and 57-59 have been rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Nakamura et al. and Meyerson et al.

U.S. Patent No. 6,166,178 describes the nucleic acid sequence encoding the catalytic subunit of the human telomerase protein hTERT (also known as hEST2), and the related amino acid sequences. While the amino acid sequences shown in sequence no.31, Figure 17 and Figure 20 of the patent all contain SEQ ID NO:2, they are 54 amino acids, 1132 amino acids and 807 amino acids long, respectively.

Like U.S. Patent No. 6,166,178, Nakamura et al. and Meyerson et al. also describe the isolation of the nucleic acid sequence encoding hTERT/hEST2 and the amino acid sequence of the protein. As shown in Figure 1 of Meyerson et al., the amino acid sequence of hTERT is 1132 amino acids long.

Accordingly, the amino acid sequences described in U.S. Patent No. 6,166,178, Nakamura et al. and Meyerson et al. are all much longer than 25 amino acids.

By this amendment, Applicants have obviated the §102(e) and §102(a) rejections. Claims 25, 31, 32 and 57-59 have been cancelled. Claim 24 as amended recites “an isolated peptide capable of generating a T cell response directed against telomerase, said peptide containing up to 25 amino acids and comprising the amino acid sequence SEQ ID NO:2.” Support for the amendment may be found at least in paragraph [0036] of Applicants’ specification. Reconsideration and withdrawal of the §102 rejections are therefore respectfully requested.

#### The Section 103 Rejections

Claims 24, 25, 30-33, 35-38, and 57-59 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,166,178 in view of Gaudernack or Nijman et al.

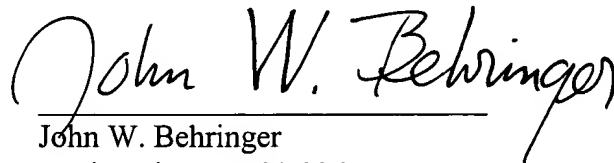
As discussed above, the §102 rejections over U.S. Patent No. 6,166,178 have been obviated by the cancellation of Claims 25, 31, 32 and 57-59, and the amendment to Claim 24. Accordingly, none of the cited references teaches or suggests an isolated peptide as recited in Claim 24, let alone using such a peptide in combination with a p21 or p53 derived peptide. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

### CONCLUSION

In view of the above amendments and remarks, Applicants submit that all of the claims in this application that are undergoing examination are now in condition for allowance. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink that reads "John W. Behringer". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

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